

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HAMIN KHATIB,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 3979
)	
CHICAGO SUN-TIMES,)	
)	
Defendant.)	

MEMORANDUM ORDER

Just two days after pro se plaintiff Hamin Khatib ("Khatib") submitted an extraordinarily bulky filing charging the Chicago Sun-Times ("Sun-Times") with copyright infringement,¹ this Court issued a two-page June 30, 2010 memorandum order that raised some questions as to Khatib's claim but deferred any resolution of the issues until after the initial status hearing to be held on September 1, 2010. Because Khatib did not obtain service on the Sun-Times until late August 2010, however, that initial status date was then reset to a late October 2010 date.

But before that hearing took place, counsel for the Sun-Times came forward with a showing that it and various of its affiliates were in Chapter 11 bankruptcy proceedings in the District of Delaware. Accordingly this Court issued a brief

¹ Only a bit over five pages make up the narrative (which more closely resembles a short story than a court pleading) that Khatib labels as his "Complaint," while the rest of Khatib's half-inch-thick submission comprised what the memorandum order next referred to in the text described as "125 pages of miscellany."

September 16, 2010 memorandum order that confirmed the mandatory automatic stay (see 11 U.S.C. §362(a)) and apprised Khatib of the choices available to him under the circumstances, including the filing of an adversary complaint in the Delaware Bankruptcy Court. This lawsuit has since lain dormant because of the automatic stay, but Khatib did file an Adversary Complaint in the Bankruptcy Court that advanced the same copyright infringement claim that he had asserted in his Complaint here, as well as a good many other claims.

So much for background. Now Khatib has tendered what he labels as his "Motion for Continuance," this time stating that he has sought to obtain patent protection through a June 18, 2013 filing of a patent application. But that submission to this Court, even apart from its violation of the automatic bankruptcy stay, has carried with it the death warrant for this action, for Khatib's second attachment to the motion is a copy of the detailed April 3, 2013 opinion of Delaware Bankruptcy Judge Christopher Sontchi ("Opinion") that dismissed his adversary proceeding with prejudice in its entirety.

Importantly, Opinion at 2 describes Khatib's claims in his Adversary Complaint as charging "copyright infringement, patent infringement, unfair competition, trade secret misappropriation, unjust enrichment and other various common law claims related to an Iqraa Front-Backpack designed by Plaintiff" Khatib. That

laundry list embraces all claims and prospective claims advanced or sought to be advanced by Khatib in this lawsuit. Hence the Opinion's decision dooms this action as a matter of claim preclusion.

Conclusion

Khatib has chosen his forum for the active pursuit of his claims against the Sun-Times, and he has struck out. Claim preclusion bars any second attempt to pursue those claims in this District Court. Accordingly this action is dismissed with prejudice.²



Milton I. Shadur
Senior United States District Judge

Date: August 14, 2013

² This ruling calls for the denial on mootness grounds of Khatib's oddly-framed current Motion for Continuance. This Court so orders.